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January 5, 2023

**VIA ECF**

Hon. John. P. Cronan  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *L.M. v. N.Y.C. Dep't of Educ.*, 22-cv-9478(JPC)(BCM)

Dear Judge Cronan:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq. ("IDEA"), as well as for this action.

I write to respectfully request that this matter be stayed pending the resolution of Defendant's anticipated motion to consolidate this matter with three other IDEA fees-only actions all filed on Nov. 4, 2022, *J.A., et al. v. N.Y.C. Dep't of Educ.*, 22-cv-9454(VEC)(GWG). Plaintiff does not consent to this request. Defendant is aware that its response to the Complaint in this matter is due tomorrow, January 6, 2023, and apologizes for failing to filing this request before the Court's 48 hour deadline for extensions of time. The parties were actively discussing the possibility of a stay until this morning, January 4, 2023, and I felt it was worthwhile to have Plaintiff's position included in this letter.

As the Court is aware (ECF No. 12-1), Defendant filed a letter requesting a pre-motion conference regarding Defendant's anticipated motion to consolidate this case with *J.A.*, 22-cv-9454(VEC)(GWG). Magistrate Judge Gorenstein is handling that request, per his Order on the docket (22-cv-9454, ECF No. 17). Plaintiffs have until January 9, 2023 to respond to that letter, at which time a conference will presumably be held, or a briefing on consolidation will be entered. If Defendant's motion to consolidate is briefed, Judge Gorenstein will be asked to issue a report and recommendation, which may then result in Objections to Judge Caproni. It would serve

judicial economy to stay this (and the other two cases sought to be consolidated<sup>1</sup>) with the case before Judge Caproni pending the outcome of the consolidation motion. The requested stay would allow the parties to resolve that issue and determine whether or not this Court need further intervene in this matter before further judicial resources are expended.

Therefore, Defendant respectfully requests that this case be stayed, pending the resolution of Defendant's anticipated Motion for Consolidation.

Thank you for considering this request.

Respectfully submitted,

/s/

Thomas Lindeman

Special Assistant Corporation Counsel

cc: Tracey Spencer Walsh (via ECF)

Defendant's motion for a stay is denied. Due to the pending motion for consolidation before Judge Gorenstein in *J.A. v. N.Y.C. Dep't of Educ.*, 22 Civ. 9454 (VEC) (GWG), Defendant's deadline to answer or otherwise respond to the Complaint is extended by thirty days until February 6, 2023, the next business day. Plaintiff's motion for a referral to Judge Moses for a settlement conference, Dkt. 15, is denied without prejudice, but may be renewed once the Complaint has been answered.

SO ORDERED

Date: January 10, 2023

New York, New York



JOHN P. CRONAN

United States District Judge

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<sup>1</sup> Defendant is submitting similar stay requests in those other two additional cases : *R.B., et al. v. N.Y.C. Dep't of Educ.*, 22-cv-9472(VSB)(JW), and *K.G. et al v. New York City Dep't of Educ.* 22-cv-9476(ER)(KHP)